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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,926	01/12/2001	Stuart Berkowitz	668437600003	2772

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EXAMINER

DUONG, THOMAS

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/759,926

Applicant(s)

BERKOWITZ ET AL.

Examiner

Thomas Duong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because of misspelling in module 46 of figures 2 and 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Diamond et al. (US006252947B1).

4. With regard to claims 1 and 20, Diamond reference discloses,

- *receiving voice application data over the network regarding the voice applications, wherein the voice application data includes location data to indicate where the voice applications are located on the network; (Diamond, col.3, lines 23-28; col.4, lines 35-41; Diamond teaches of receiving a voice data segment to be stored in a server for later retrieval and playback)*

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- *storing in a database the voice application data in accordance with a predetermined voice application taxonomy; (Diamond, col.3, lines 21-23; col.4, lines 41-43; Diamond teaches of receiving a voice data segment to be stored in a server for later retrieval and playback)*
- *receiving a request for a voice application based upon a user requiring a telephony service, wherein the request includes search criteria for selecting a voice application from the database; and (Diamond, col.3, lines 21-33; col.5, lines 5-10; Diamond teaches of searching and retrieving a voice data segment for playback and to control scheduled functions within the system)*
- *retrieving from the database the location data of at least one voice application whose stored voice application data substantially satisfies the search criteria; wherein the voice application located at the retrieved location data is used to perform the user-requested telephony service. (Diamond, col.7, lines 18-22; col.50, lines 8-12; Diamond teaches of searching and retrieving a voice data segment for playback and scheduled functions based on a search criteria within the system)*

5. With regard to claims 2-4, 11-12, 21-23 and 30, Diamond reference discloses,

- *receiving from a telephony server (CTI Server 710, Voice Server 124) telephony server attribute data, wherein the telephony server is an interface between the user (User Workstation 160) and the database (Voice storage 155); and (Diamond, col.5, lines 40-42, lines 46-60; modules 710, 124, 155 and 160, fig.1; Diamond teaches of CTI and Voice servers (both can perform certain telephony functions) disposed between the user and the database)*

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- *retrieving from the database the location data of at least one voice application whose voice application operational requirement data substantially satisfies the telephony server attribute data.* (Diamond, col.3, lines 21-33; col.5, lines 5-10; Diamond teaches of searching and retrieving a voice data segment for playback and to control scheduled functions within the system)
6. With regard to claims 5-10 and 24-29, Diamond reference discloses,
- *wherein the voice applications are VoiceXML applications* (Diamond, col.3, lines 21-33; col.5, lines 5-10; Diamond teaches of searching and retrieving a voice data segment for playback and to control scheduled functions within the system)
  - *wherein the database is a relational database.* (Diamond, col.5, lines 3-10; Diamond teaches of utilizing a Central Database Server)
7. With regard to claims 13-14 and 31-32, Diamond reference discloses,
- *providing the voice application data through a graphical user interface that is in data communication with the network.* (Diamond, col.3, lines 33-35, lines 31-34; Diamond teaches of utilizing a graphical interface)
8. With regard to claims 15-19 and 33-34, Diamond reference discloses,
- *reviewing the voice application data to ensure accuracy of the voice application data.* (Diamond, col.35, line 36 – col.36, line 2; col.36, lines 3-9)
  - *reviewing the voice application data to verify the location data of the voice applications on the network.* (Diamond, col.35, line 36 – col.36, line 2; col.36, lines 3-9)

**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Wactlar et al. (US005835667A)
- Li et al. (US006397181B1)
- Petkovic et al. (US006185527B1)
- Stuart et al. (US006643622B2)
- Pickering (US006704708B1)
- Greenberg et al. (US006707811B2)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

*Thomas Duong (AU2143)*

*June 1, 2004*

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**